

## ORDINANCE C-10-06

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE CITY BY CREATING A TAX INCREMENT FINANCING AREA ENCOMPASSING CERTAIN PARCELS OF REAL PROPERTY, DECLARING IMPROVEMENTS TO SUCH PARCELS TO BE A PUBLIC PURPOSE, EXEMPTING SUCH IMPROVEMENTS FROM TAXATION, REQUIRING THE OWNERS OF SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDING FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF SUCH SERVICE PAYMENTS TO THE SOUTH-WESTERN CITY SCHOOL DISTRICT, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF SUCH SERVICE PAYMENTS, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE OR IN THE PROCESS OF BEING MADE BY THE CITY THAT DIRECTLY BENEFIT, OR THAT ONCE MADE WILL DIRECTLY BENEFIT, THOSE PARCELS AND APPROVING AND AUTHORIZING THE EXECUTION OF TOWNSHIP COMPENSATION AGREEMENTS

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WHEREAS, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (collectively, the "*TIF Statutes*") authorize the legislative authority of a municipal corporation, by ordinance, to declare the improvement to each parcel of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit those parcels; and

WHEREAS, this Council has determined to declare the non-residential improvements to the parcels of real property identified and depicted in Exhibit A attached hereto (each, individually, a "*Parcel*" and collectively, the "*Parcels*") to be a public purpose pursuant to the TIF Statutes; and

WHEREAS, this Council has determined that the applicable portion of the service payments shall be paid to the South-Western City School District, Ohio (the "*School District*") in an amount equal to the real property taxes that the School District would have been paid if the Improvements (as defined herein) to each Parcel had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, this Council has determined to provide for the execution and delivery of a Township Compensation Agreement to provide for the distribution of a portion of service payments to Jackson Township (the "*Township*") as set forth in that agreement; and

WHEREAS, notice of this proposed Ordinance has been delivered to the board of education of each affected school district in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.40 and 5709.83; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby finds and determines that 100% of the increase in assessed value of each non-residential Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*" as defined in Ohio Revised Code Section 5709.40(A)) is hereby declared to be a public purpose and each Parcel shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and after the owner of a Parcel properly obtains a certificate of occupancy from the City's Building Department for any structure erected on that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

SECTION 2. As provided in Ohio Revised Code Section 5709.42, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Franklin County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, including any penalties and interest (collectively, the "*Service Payments*"). The Service Payments, and any other payments with respect to each Parcel that are received by the County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 3 of this Ordinance.

SECTION 3. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- to the School District, an amount equal to the amounts the School District would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel located within the School District absent the exemption provided for in this Ordinance, and
- to the City, all remaining amounts for further deposit into the Fund (as defined in Section 4 of this Ordinance).

All distributions required under this Section 3 are requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 4. This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the State Route 665/171 Municipal Public Improvement Tax Increment Equivalent Fund (the "*Fund*"). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 3 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.42 shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 5. This Council hereby designates the public infrastructure improvements described in Exhibit B attached hereto and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

SECTION 6. The form of Township Compensation Agreement (the "*Township Agreement*") presently on file with the Clerk of this Council, providing for, among other things, the distribution of a portion of Service Payments to the Township, is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Administrator. City Administrator, for and in the name of this City, is hereby authorized to execute the Township Agreement with the Township in substantially that form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the City Administrator, and the character of those changes and amendments as not being substantially adverse to this city, shall be evidenced conclusively by the City Administrator's execution thereof.

SECTION 7. The Tax Incentive Review Council established by Resolution CR-76-05 shall review annually all exemptions from real property taxation granted by this Ordinance.

SECTION 8. This Council hereby authorizes and directs the City Administrator, Director of Finance or other appropriate officers of the City, to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further hereby authorizes and directs the City Administrator, Director of Finance or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

SECTION 9. Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its adoption. Further, on or before March 31 of each year that the exemption set forth in this Ordinance remains in effect, the Housing Administrator or other authorized officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 10. **Any contract providing for construction of any part of the public infrastructure improvements identified in Section 5 of this Ordinance and pursuant to which monies in the Fund shall be expended for the costs thereof shall be hereinafter approved by this Council.**

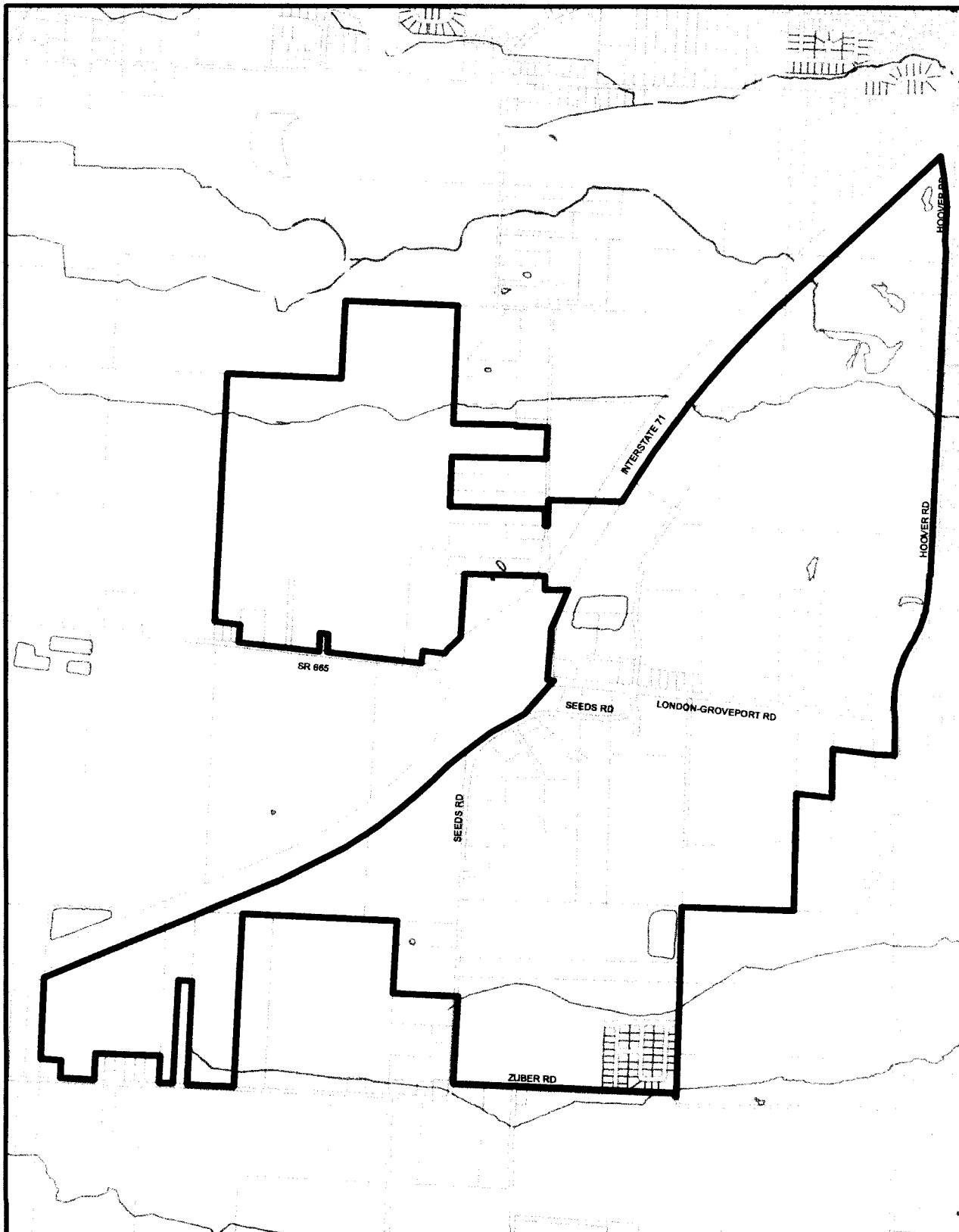
SECTION 11. **This Council determines that it may hereafter, but prior to the commencement of construction of the improvement to be so funded, determine to assess the real property that may be benefited by a public infrastructure improvement identified in Section 5 of this Ordinance for a portion of the cost of that public infrastructure improvement.**

SECTION 12. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

## EXHIBIT A

### PARCELS

The area enclosed by the border on the following map depicts and identifies the Parcels and constitutes part of this Exhibit A.



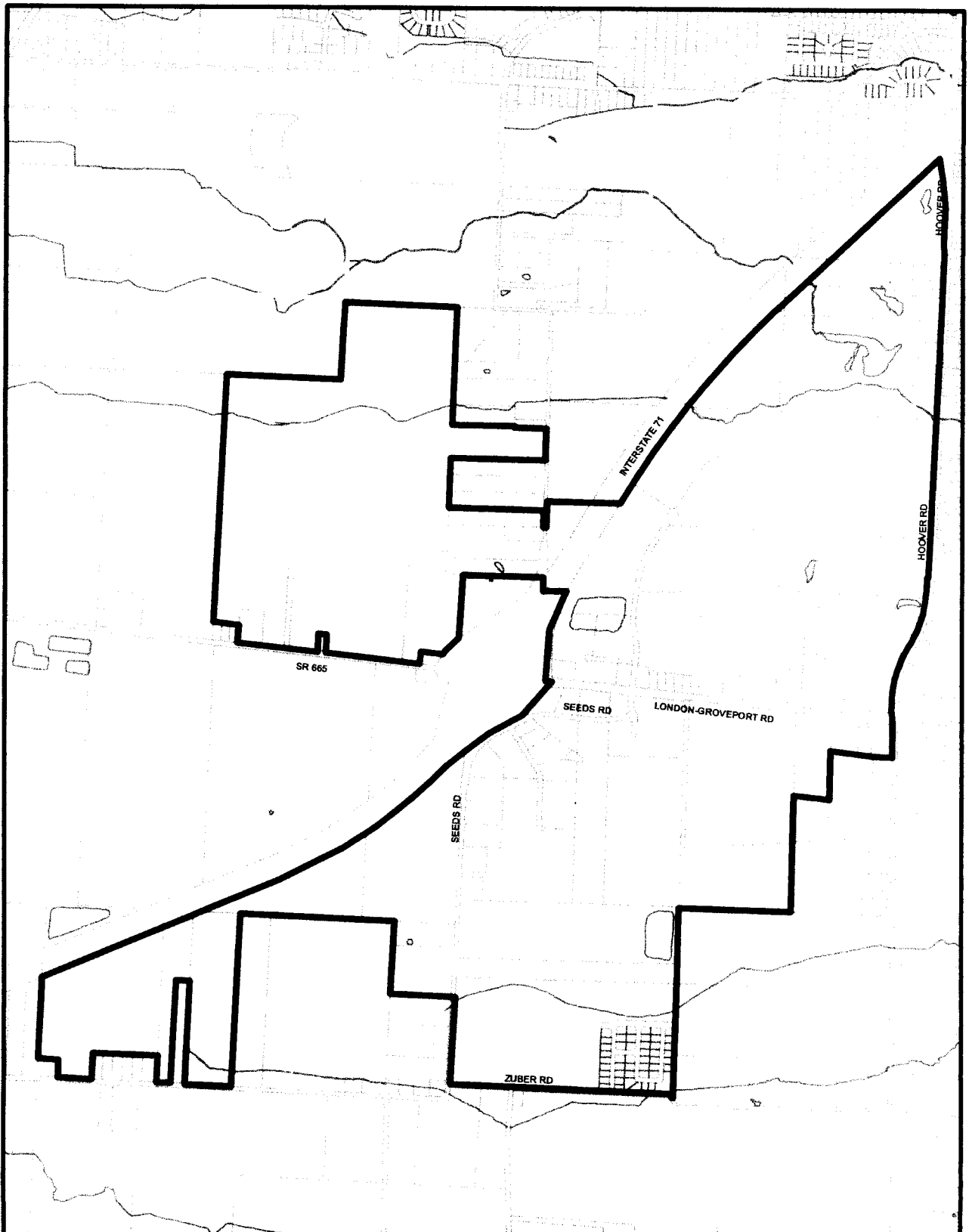
**EMH&T**  
Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers, Surveyors, Planners, Scientists

CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO

**State Route 665/71  
Tax Increment Financing  
Development Area**

**1**

0 600 1,200 2,400 Feet



**EMH&T**

Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers, Surveyors, Planners, Scientists

CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO

**State Route 665/171  
Tax Increment Financing  
Development Area**

**1**

0 600 1,200 2,400 Feet

## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

The public infrastructure improvements include the construction of the following improvements and all related costs (as defined in Ohio Revised Code Section 133.15(B)):

- improvements to State Route 665 from State Route 62 to State Route 104;
- relocation of utility service facilities, lines and towers on the Parcels;
- relocation of streams and watercourses on or proximate to the Parcels;
- improvements to and relocation of Haughn Road from State Route 665 to Orders Road;
- improvements to the existing portions of North Meadows Drive and South Meadows Drive and construction of any future extensions of each;
- improvements to the entire length of Seeds Road;
- improvements to the existing Enterprise Parkway and the construction of any future extensions of Enterprise Parkway; and
- improvements to the water and sanitary sewer systems (including water towers) and lines servicing the Parcels; and
- **construct and improve additional roadways benefiting the Parcels to ensure optimal traffic flow.**

together in each case with any necessary intersection improvements, constructing and installing curbs and gutters, public utilities which include water mains, sanitary sewer, and storm sewer, stormwater improvements, burial of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting and signs, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation), traffic signs and signalization, design and other related costs, any right-of-way or real estate acquisition, erosion and sediment control measures, grading, drainage and other related work, survey work, soil engineering, inspection fees and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto.

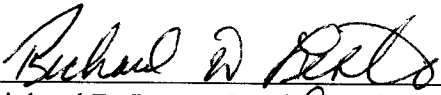
SECTION 13. This Ordinance shall take effect at the earliest opportunity allowed by law.

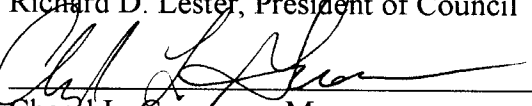
Passed: 5-15-06  
Effective: 6-14-06

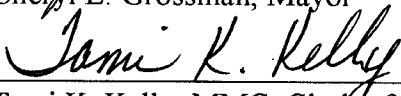
Attest:

I certify that this ordinance is correct as to form.

I certify that there is money in the treasury, or is  
in the process of collection, to pay within the  
ordinance.

  
Richard D. Lester, President of Council

  
Cheryl L. Grossman, Mayor

  
Tami K. Kelly, MMC, Clerk of Council

  
Thomas R. Clark, Director of Law

  
Robert E. Behlen, Director of Finance



## TOWNSHIP COMPENSATION AGREEMENT

This Township Compensation Agreement (the "*Agreement*") is made and entered into this \_\_\_ day of \_\_\_\_\_ 2006, by and among the City of Grove City, Ohio (the "*City*") and Jackson Township, Franklin County, Ohio (the "*Township*").

### WITNESSETH

WHEREAS, the City, by its Ordinance \_\_\_-06 passed \_\_\_\_\_ (the "*Ordinance*"), has declared that 100% of the increase in the assessed value of certain parcels described and depicted on Exhibit A attached hereto (referred to individually as a "*Parcel*", and collectively as the "*Parcels*" or the "*Property*") subsequent to the effective date of the Ordinance (such increase hereinafter referred to as the "*Improvement*" as further defined in Ohio Revised Code Section 5709.40 and the Ordinance) is a public purpose and is exempt from taxation for a period which commences with the first tax year that begins after the effective date of the Ordinance and after the owner of a Parcel properly obtains a certificate of occupancy from the City's Building Department for any structure erected on that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes (as herein defined) (the "*TIF Exemption*"); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for the owner of any portion of the Property to make service payments in lieu of taxes with respect to such Property (the "*Service Payments*"), which Service Payments will be deposited into the fund established in Section 4 of the Ordinance (the "*Fund*") or distributed to the South-Western City School District, all pursuant to and in accordance with Ohio Revised Code Sections 5709.40, 5709.42, 5709.43 and 5709.91 (collectively, the "*TIF Statutes*"); and

WHEREAS, pursuant to Ohio Revised Code Section 5709.82, the City desires to pay to the Township as compensation payments a portion of the Service Payments as well as a portion of any other payments with respect to the Property that are received by the Franklin County Treasurer in connection with Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "*Property Tax Rollback Payments*", and together with the Service Payments, the "*TIF Payments*"), and that are deposited into the Fund;

NOW, THEREFORE, in consideration of the premises and covenants contained herein the parties hereto agree to the foregoing and as follows:

**Section 1 - Compensation Payments.** The City agrees to make the following compensation payments to the Township (each referred to herein as a "*Compensation Payment*");

(i) in the eleventh and subsequent year of each TIF Exemption (as it applies to each individual Parcel), the City will pay to the Township, for each Parcel, the TIF Payments deposited into the Fund that are attributable to the Township's effective millage for that Parcel;

(ii) with respect to the real property depicted on Exhibit B attached hereto (the "Meijer Parcel"), in the first through tenth year of the TIF Exemption applicable to the Meijer Parcel, the City will pay to the Township an amount equal to forty-seven percent (47%)<sup>1</sup> of the amount of TIF Payments deposited into the Fund that are attributable to the Township's effective millage for the Meijer Parcel; and

(iii) with respect to all Parcels except for the Meijer Parcel, in the first through tenth year of the TIF Exemption (as it applies to each individual Parcel), the City will pay to the Township, for each Parcel, an amount equal to the amount of TIF Payments deposited into the Fund that are attributable to the Township's effective millage for that Parcel multiplied by the percent of all TIF Payments from that Parcel used to pay for costs of non-State Route 665 Improvements<sup>2</sup>.

For purposes of paragraph (iii) above, "State Route 665 Improvements" include improvements to State Route 665 from and including the intersection of Hoover and State Route 665 to and including the intersection of Gateway West Drive and State Route 665 (all as further described and authorized under the Ordinance and including, without limitation, current expenses, reimbursements of previous expenses and debt service payments for debt issued to pay for such improvements).

The exact amount of each Compensation Payment will be calculated and determined by the City's Director of Finance and a notice detailing that amount for each Parcel (such notice and calculation to be based upon information received from the Franklin County Auditor in connection with the semi-annual settlement payments) will be sent to the Township prior to payment. Subject to all necessary appropriations actions by City Council, the City will make

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<sup>1</sup> The 47% compensation level to the Township was determined by dividing the amount to be paid to Meijer out of the Fund for on-site public infrastructure improvements (\$1,300,000) by the sum of those improvements plus the amount to be paid by Meijer for the State Route 665 improvements (\$1,500,000), rounded up to the nearest whole percentage.  $(\$1,300,000/\$2,800,000)$  rounded up = 47%.

<sup>2</sup> Mathematically: Township Compensation =  $x * (y/z)$

Where:  $x$  = TIF Payments deposited into Fund that are attributable to Township effective millage for Parcel

$y$  = Total TIF Payments for Parcel used for non-State Route 665 improvements

$z$  = Total TIF Payments for Parcel

Example: City spends \$3,000 of \$5,000 total TIF Payments (60%) from Parcel on non-State Route 665 improvements. TIF Payments attributable to Township effective millage for parcel equal \$2,000.

$x$  = \$2,000

$y$  = \$3,000

$z$  = \$5,000

Township Compensation =  $\$2,000 * (\$3,000/\$5,000) = \$1,200$  (or 60% of TIF Payments from Parcel attributable to Township effective millage).

Compensation Payments to the Township biannually within sixty (60) business days of the deposit of the Service Payments and Property Tax Rollback Payments related to each Compensation Payment into the Fund for that Parcel.

**Section 2 - Notices.** All notices or other correspondence relating to this Agreement must be in writing (including e-mail or facsimile) and must be delivered or sent guaranteed overnight delivery, by facsimile or e-mail (to be followed by personal or overnight guaranteed deliver, if requested) or by postage prepaid registered or certified mail, return receipt requested, and will be deemed to be given for purposes of this Agreement on the date such writing is received by the intended recipient. Unless otherwise specified in a notice sent in accordance with this section, all communications in writing must be given to the parties at the following addresses:

(a) As to the City:

City of Grove City, Ohio  
4035 Broadway  
Grove City, Ohio 43123  
Attention: Director of Development

(b) As to the Township:

Jackson Township, Franklin County, Ohio  
3756 Hoover Road  
Grove City, Ohio 43123  
Attention: \_\_\_\_\_

**Section 3 - Successors; Assignment; Amendments, Changes and Modifications.** The parties may only assign this Agreement with the consent of all parties hereto. This Agreement may only be amended by written instrument executed by all parties to this Agreement.

**Section 4 - Extent of Covenants; No Personal Liability.** All covenants, stipulations, obligations and agreements of the parties contained in this Agreement are effective and enforceable to the extent authorized and permitted by applicable law. The obligations of the City may be enforced to the extent permitted by law by mandamus or any suit or proceeding in law or equity. No such covenant, stipulation, obligation or agreement will be deemed a covenant, stipulation, obligation or agreement of any present or future member, officer, agent, or employee of any of the parties hereto in their individual capacity.

**Section 5 - Severability.** If any provision of this Agreement is held to be illegal, invalid or unenforceable, said provision will be fully severable. This Agreement will be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement will remain in full force and effect and will not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement. Furthermore, in lieu of such illegal, invalid or unenforceable provision, there will be added automatically as a part of this Agreement a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible that is and will be legal, valid and enforceable.

**Section 6 - Separate Counterparts.** This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered will be an original, but all such counterparts will together constitute one and the same instrument.

**Section 7 - Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the matters covered herein and supercedes prior agreements and understandings between the parties.

**Section 8 - Governing Law and Choice of Forum.** This Agreement will be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims, disputes and other matters in question between the City, its employees, contractors, subcontractors and agents, and the Owner, its employees, contractors, subcontractors and agents arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within the State of Ohio.

IN WITNESS WHEREOF, the City and the Township have caused this Compensation Agreement to be executed in their respective names by their duly authorized officers as of the date hereinabove written.

CITY OF GROVE CITY, OHIO

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to Form: \_\_\_\_\_

City Attorney

JACKSON TOWNSHIP, FRANKLIN  
COUNTY, OHIO

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## FISCAL OFFICER'S CERTIFICATE

The undersigned, Director of Finance of the City under the foregoing Compensation Agreement, certifies hereby that the moneys required to meet the obligations of the City during the year 2006 under the foregoing Compensation Agreement have been appropriated lawfully for that purpose, and is in the Treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Director of Finance

## EXHIBIT A

### PARCELS

The area enclosed by the border on the following map depicts and identifies the Parcels and constitutes part of this Exhibit A.

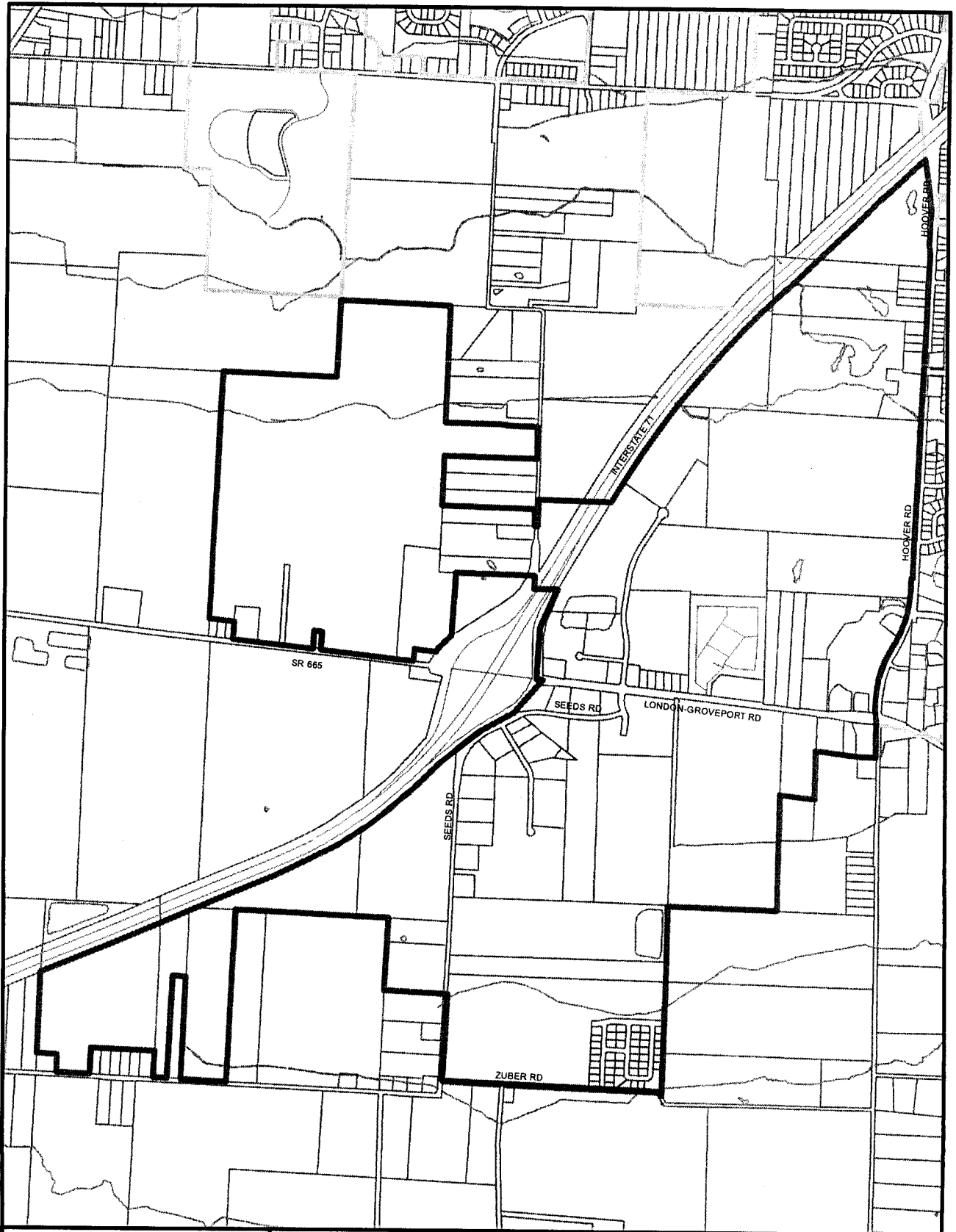




EXHIBIT B

MEIJER PARCEL

The area enclosed by the border on the following map depicts and identifies the Meijer Parcel and constitutes part of this Exhibit B.

**SURVEY DATA:**

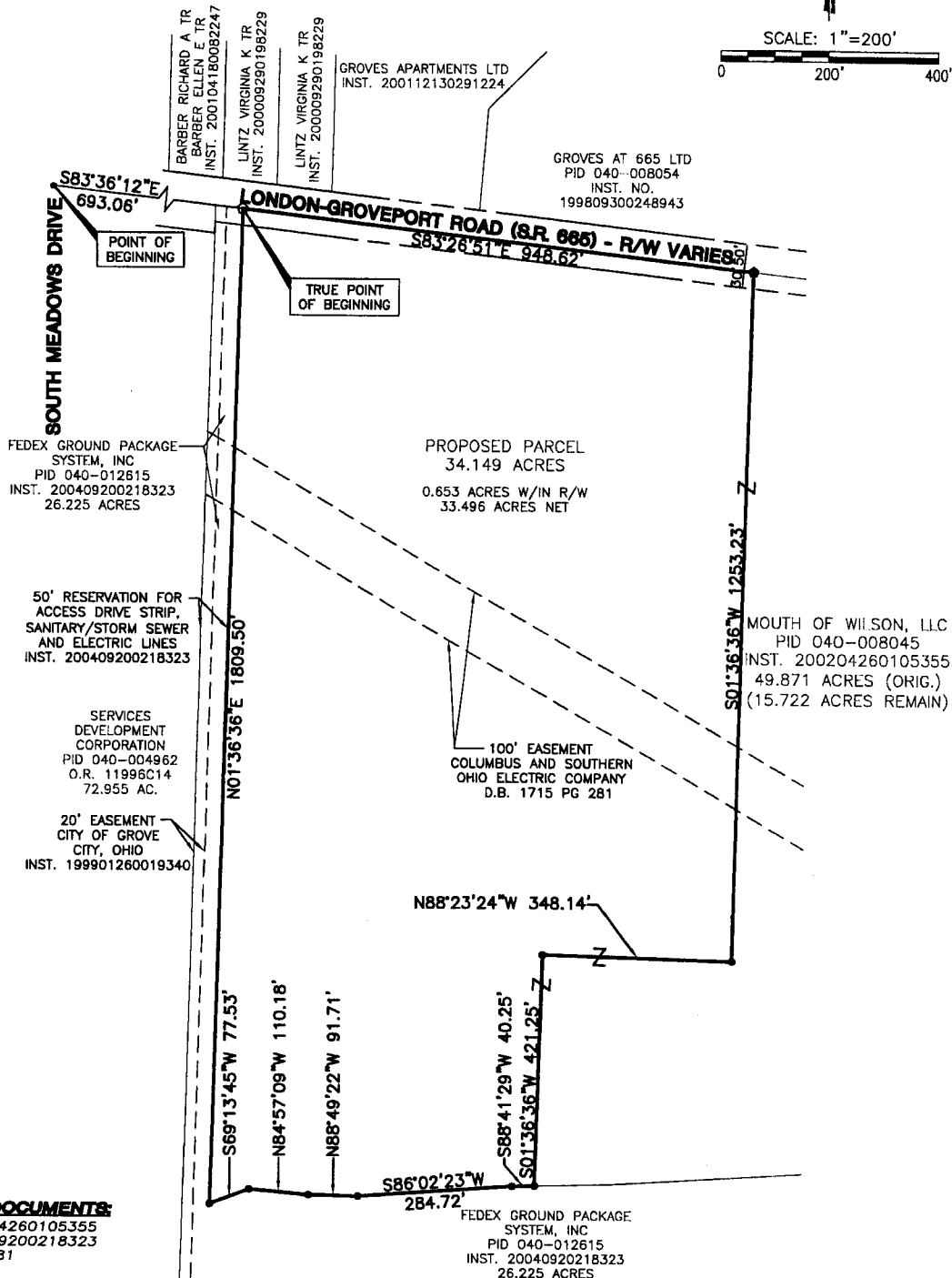
THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (CORS). SAID BEARINGS ORIGINATED FROM SAID COORDINATE SYSTEM BY GPS OBSERVATIONS AND OBSERVATIONS OF SELECTED STATIONS IN THE OHIO DEPARTMENT OF TRANSPORTATION VIRTUAL REFERENCE STATION NETWORK. THE PORTION OF THE CENTERLINE OF LONDON-GROVEPORT ROAD, HAVING A BEARING OF S83°26'51" AND MONUMENTED AS SHOWN HEREON, IS DESIGNATED THE "BASIS OF BEARING" FOR THIS PLAT

ALL MONUMENTS FOUND ARE IN GOOD CONDITION UNLESS OTHERWISE NOTED.

IRON PINS SET ARE 5/8" REBAR 30" IN LENGTH WITH A PLASTIC PLUG PLACED ON TOP INSCRIBED WITH THE NAME "WOOLPERT"

SCALE: 1"=200'

0 200' 400'

**REFERENCE DOCUMENTS:**

INST. NO. 200204260105355  
INST. NO. 200409200218323  
D.B. 1715 PG 281

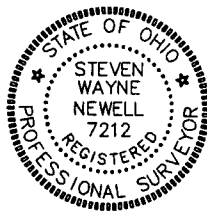
- RAILROAD SPIKE FOUND
- RAILROAD SPIKE SET
- IRON PIN SET WITH ID CAP

**CERTIFICATION:**

THIS DRAWING BASED ON A SURVEY PERFORMED BY WOOLPERT, INC. IN NOVEMBER, 2004.

**WOOLPERT, INC.**

*Steven W. Newell*  
STEVEN W. NEWELL DATE 02/21/06  
OHIO REGISTERED PROFESSIONAL SURVEYOR NO. 7212

**SURVEY EXHIBIT**

PROPOSED 34.149 ACRE TRACT  
PART OF A 49.871 ACRE TRACT  
VIRGINIA MILITARY SURVEY NO. 6115  
CITY OF GROVE CITY, COUNTY OF FRANKLIN, STATE OF OHIO



2760 AIRPORT DRIVE  
SUITE 140  
COLUMBUS, OHIO 43219  
PHONE: 614.476.6000  
FAX: 614.476.6225

DES SWN PROJECT  
DRT IMC NO. 63144  
CKD SWN DATE 02/17/2006  
SHEET 1 OF 1

**DESCRIPTION OF  
MEIJER SITE  
LONDON-GROVEPORT ROAD  
FRANKLIN COUNTY, OHIO  
CONTAINING 34.149 ACRES  
FEBRUARY 17, 2006**

Situate in City of Grove City, County of Franklin, State of Ohio, lying in Virginia Military Survey Number 6115 and being part of a 49.871 acre tract of land as conveyed to Mouth of Wilson, LLC by deed recorded in Inst. No. 200204260105355 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Franklin County Recorders Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike found at the centerline intersection of London-Groveport Road (S.R. 665) and South Meadows Drive as shown on the record plat of the dedication of part of S.R. 665 and part of South Meadows Drive recorded in Plat Book 57, page 31;

thence along the centerline of said London-Groveport Road (S.R. 665) South eighty-three degrees thirty-six minutes twelve seconds East ( $S83^{\circ}36'12''E$ ) for six hundred ninety-three and 06/100 feet (693.06') to a railroad spike found at the northwest corner of said 49.871 acre tract, said point being the **TRUE POINT OF BEGINNING** of the herein described tract of land;

thence continuing along said centerline South eighty-three degrees twenty-six minutes fifty-one seconds East ( $S83^{\circ}26'51''E$ ) for a distance of nine hundred forty-eight and 62/100 feet (948.62') to a railroad spike set;

thence across said 49.871 acre tract on a new dividing line for the following three (3) courses:

1. South one degree thirty-six minutes thirty-six seconds West ( $S01^{\circ}36'36''W$ ) for a distance of one thousand two hundred fifty-three and 23/100 feet (1,253.23') to an iron pin set;
2. North eighty-eight degrees twenty-three minutes twenty-four seconds West ( $N88^{\circ}23'24''W$ ) for a distance of three hundred forty-eight and 14/100 feet (348.14') to an iron pin set;
3. South one degree thirty-six minutes thirty-six seconds West ( $S01^{\circ}36'36''W$ ) for a distance of four hundred twenty-one and 25/100 feet (421.25') to an iron pin set on the south line of said 49.871 acre tract

and the north line of a 26.225 acre tract of land as conveyed to Fedex Ground System by deed recorded in Inst. No. 200409200218323;

thence along the south line of said 49.871 acre tract and the north line of said 26.225 acre tract for the following five (5) courses:

1. South eighty-eight degrees forty-one minutes twenty-nine seconds West ( $S88^{\circ}41'29''W$ ) for a distance of forty and 25/100 feet (40.25') to an iron pin set;
2. South eighty-six degrees two minutes twenty-three seconds West ( $S86^{\circ}02'23''W$ ) for a distance of two hundred eighty-four and 72/100 feet (284.72') to an iron pin set;
3. North eighty-eight degrees forty-nine minutes twenty-two seconds West ( $N88^{\circ}49'22''W$ ) for a distance of ninety-one and 71/100 feet (91.71') to an iron pin set;
4. North eighty-four degrees fifty-seven minutes nine seconds West ( $N84^{\circ}57'09''W$ ) for a distance of one hundred ten and 18/100 feet (110.18') to an iron pin set;
5. South sixty-nine degrees thirteen minutes forty-five seconds West ( $S69^{\circ}13'45''W$ ) for a distance of seventy-seven and 53/100 feet (77.53') to an iron pin set at the southwest corner of said 49.871 acre tract and a corner of said 26.225 acre tract;

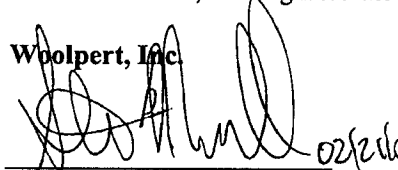
thence along the west line of said 49.871 acre tract and an east line of said 26.225 acre tract North one degree thirty-six minutes thirty-six seconds East ( $N01^{\circ}36'36''E$ ) for a distance of one thousand eight hundred nine and 50/100 feet (1,809.50') to the **TRUE POINT OF BEGINNING**, containing thirty-four and 149/1000 (34.149) acres, more or less, subject however to all covenants, conditions, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

Iron pins set are 5/8" rebar, 30" in length, with a plastic plug placed on top inscribed with the name "WOOLPERT", unless otherwise noted. All monuments found are in good condition unless otherwise noted.

This description was prepared from a field survey performed by Woolpert, Inc., in November, 2004, with bearings based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS). Said bearings originated from said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The

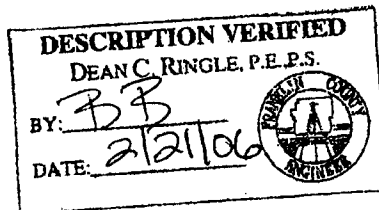
portion of the centerline of London-Groveport Road having a bearing of South eighty-three degrees twenty-six minutes fifty-one seconds East (S83°26'51"E) for nine hundred forty-eight and 62/100 feet (948.62') and monumented and described herein, is designated the "basis of bearing" for this survey.

Woolpert, Inc.

  
Steven W. Newell  
Ohio Professional Surveyor #7212



035B  
SPLIT  
34.149 Ac  
FROM  
(040)  
8045



[CITY LETTERHEAD]

February \_\_, 2006

To: Board of Education of the South-Western City School District

Subject: Notice of Ohio Revised Code Section 5709.40(B)  
Proposed Tax Increment Financing

This letter constitutes notice to the Board of Education of the South-Western City School District of the City of Grove City's intent to declare certain non-residential improvements to be a public purpose under Ohio Revised Code Section 5709.40(B). The following information is provided pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

**Description of Parcels:** See Exhibit A of the attached TIF Ordinance.

**Period for Which the Improvements Will Be Exempted from Taxation:** The non-residential improvements will be exempted for a period commencing with the first tax year that begins after the effective date of the proposed TIF Ordinance and after the owner of a property properly obtains a certificate of occupancy from the City of Grove City's Building Department for any structure erected on any parcel and ending on the earlier of (a) thirty (30) years after such exemption commenced or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of Ohio Revised Code Sections 5709.40 and 5709.42 and all as further described in the attached TIF Ordinance.

**Percentage of the Improvement to be Exempted:** 100%, provided the City will make provision in its TIF Ordinance pursuant to Ohio Revised Code Sections 5709.40 and 5709.42 that the District shall receive, at the same time and in the same manner as real property tax payments, all amounts it would otherwise receive as real property tax payments from the improvements absent the City's approval of the exemption under Ohio Revised Code Sections 5709.40 and 5709.42. Since the School District will receive all amounts it would otherwise receive as real property tax payments from the improvements, Ohio Revised Code Section 5709.40(D)(1) does not require the District's prior approval of this TIF exemption.

**The City Council intends to take final action on the proposed TIF Ordinance on:** March 20, 2006.

Sincerely,

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attachment: Proposed TIF Ordinance